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March 23, 2004

The Honorable Tom Ridge  
Secretary  
Department of Homeland Security  
Washington, D.C.

Dear Mr. Secretary:

As you know, I have long been concerned about the nature and adequacy of federal actions to ensure the safety of the Distrigas LNG facility and of the LNG tanker ships that transit through the Port of Boston on their way to this facility.

I am writing you today because of a passage that appears on page 15 of the memoirs of Richard Clark, the White House's former anti-terrorism czar, and a man who served in the Clinton Administration, the first Bush Administration, and the Reagan Administration. In this passage, Mr. Clarke describes one of the discussions he had on 9/11 with Admiral James Loy, then the Commandant of the Coast Guard, as follows:

"Jim, you have a Captain in the Port in every harbor, right." He nodded. "Can they close the harbors? I don't want anything coming in and blowing up, like the LNG in Boston." After the Millennium Terrorist Alert we had learned that al Qaeda operatives had been infiltrating Boston by coming in on liquid natural gas tankers from Algeria. We had also learned that had one of the giant tankers blown up in the harbor, it would have wiped out downtown Boston.

"I have that authority." Loy turned and pointed at another admiral. "And I have just exercised it."

The revelation in this new book that al Qaeda terrorists had come into Boston on LNG tankers is extremely disturbing to me, particularly since shortly after 9/11, I specifically asked you about the nature of the terrorist threat to this facility and the federal response to this threat.

If what Mr. Clark says in his book is true, then it would appear that either the Department was not fully aware of the facts, or that the Department was not telling me everything that it knew about the full nature of the potential al Qaeda threat to this LNG facility and the tanker ships that supply it.

### **Al Qaeda Infiltration**

I would therefore appreciate it if you could give me a full explanation of the facts and circumstances surrounding the incident described in Mr. Clark's book, including:

1. Were you aware that al Qaeda operatives had been infiltrating Boston by coming in on liquid natural gas tankers from Algeria?
2. When did you first become aware that such operatives had been infiltrating Boston?
3. What did you know about who these operatives were, how they got in, and where they went?
4. Why weren't enhanced security measures for screening of the crew or passengers on LNG tankers coming to Boston put in place until after 9/11, when the federal government had apparently known of Al Qaeda infiltration using this route since shortly after the Millennium?
5. What has been done by the Department to address the threat that Al Qaeda might target this or other LNG facilities in the future;
6. Why you did not inform me of any of these matters previously.

In addition, I remain quite concerned about the public safety consequences of a worst-case terrorist attack scenario involving an LNG tanker in Boston Harbor en route to the Everett facility, or an attack against the facility itself.

While the facility operator has taken some welcome steps to address some of these issues, and state and local officials have worked to beef up security and emergency response measures relating to the facility, the federal government has a responsibility to ensure that the citizens living around Boston harbor are safe.

### **Future Actions to Secure LNG Facilities**

As you know, under federal law, a variety of federal agencies have responsibilities for various aspects of LNG security. The Department of Transportation is responsible for safety and security regulation and inspection of LNG storage facilities, the U.S. Coast Guard is responsible for safety regulation and inspection of LNG ships and marine facilities for unloading LNG into storage facilities, the Federal Energy Regulatory Commission has responsibility for the siting of new LNG facilities, environmental impact, and construction authorizations and the Department of Energy has responsibilities or issuing certificates for LNG imports and exports. It appears to me that this system of split responsibility represents exactly the type of situation that the Homeland Security Act envisioned when it created your Department to help coordinate federal security and anti-terrorism efforts, ensure information sharing, and provide advice and assistance in security matters that cut across the jurisdictions of existing agencies. I therefore request that you also provide answers to the following questions:

The Honorable Tom Ridge

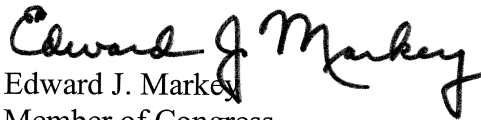
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1. Does the Department believe it is currently safe to transport LNG into Boston Harbor and unload and store it at the Distrigas facility?
2. If so, please inform me of what studies, assessments, regulatory actions, or other measures provide the basis for your conclusion?
3. I am aware of three federally-funded studies of LNG hazards and accident or terrorist attack scenarios that are currently underway: a study being performed by NOAA staff, a DOE-funded study being performed by the Sandia Laboratory, and a FERC-funded study being performed by a private contractor. What role, if any, is the Department playing in these studies?
4. Has the Department assigned any personnel to review these studies and work with other jurisdictional agencies to determine whether LNG security and safety measures need to be revised or upgraded to respond to the terrorist threat?
5. If not, what steps is the Department taking to ensure that those living around Boston harbor are not threatened by such an attack?

Thank you for your assistance and cooperation in this matter. Please provide me with a response within 10 working days, or no later than April 6, 2004. Should you have any questions about this request, please have your staff contact Mr. Jeffrey Duncan or Mr. Mark Bayer of my staff at 202-225-2836.

Sincerely,

A handwritten signature in black ink, reading "Edward J. Markey". The signature is fluid and cursive, with the first name "Edward" and last name "Markey" clearly legible.

Edward J. Markey  
Member of Congress